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MEMOIR

OF

MELLEN CHAMBERLAIN.

BY

HENRY W. HAYNES.

THE GIFT OF
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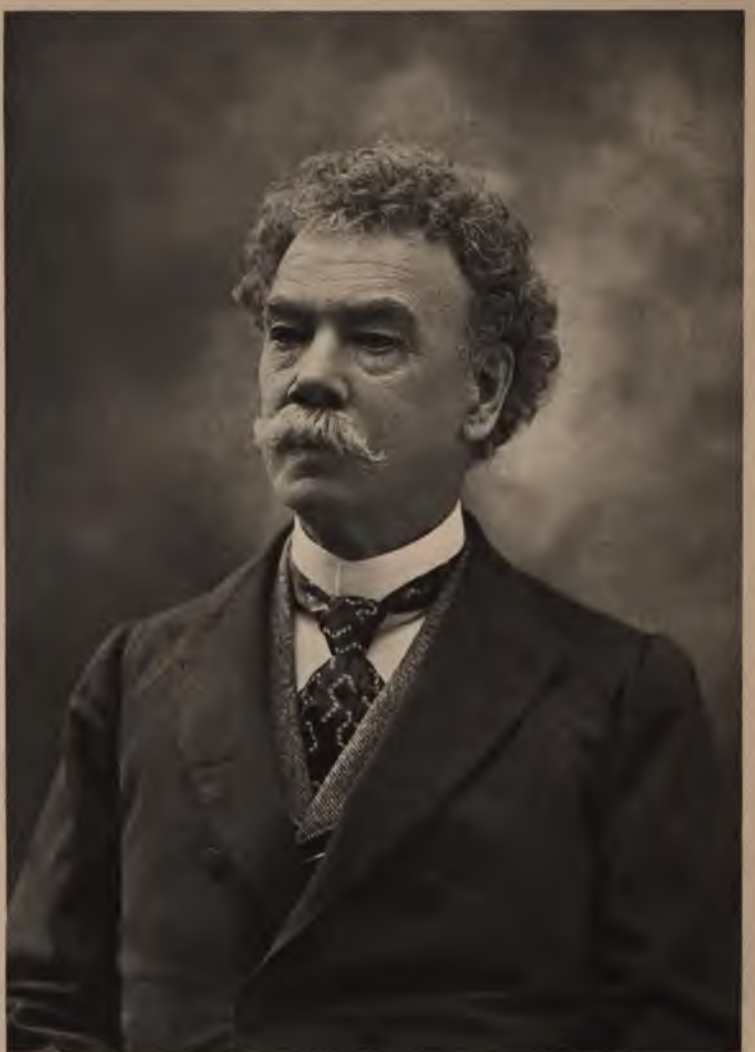

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Nellie Chamberlain

MEMOIR

OF

MELLEN CHAMBERLAIN

BY

HENRY W. HAYNES.

[Reprinted from the Proceedings of the Massachusetts Historical Society, May, 1906.]

CAMBRIDGE
JOHN WILSON AND SON
University Press.
1906.

Walter Scott Chamberlain

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MELLEN CHAMBERLAIN.

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MELLEN CHAMBERLAIN.

BY HENRY W. HAYNES.

MELLEN CHAMBERLAIN was born in Pembroke, New Hampshire, June 4, 1821, the second of the five children of Moses and Mary (Foster) Chamberlain. The earliest known ancestor of the family was Jacob Chamberlain, born about 1690, according to the inscription upon his gravestone in Rumney Marsh (now Revere), Massachusetts, where he died in 1734. He married, in 1714, Abigail, daughter of William Hasey, of Rumney Marsh. Mary Foster was the daughter of Rev. Abiel Foster, of Canterbury, New Hampshire, a descendant of John Rogers, the fifth President of Harvard College, and of Governor Thomas Dudley. Moses Chamberlain was a farmer, who also carried on the business of a country shopkeeper. The son helped his father in both occupations, attending the district schools of the town, and later the Academy in Pembroke, until his fifteenth year, when the family removed to Concord, New Hampshire, in 1836. For the next four years he pursued the studies preparatory for college at the Literary Institute of that place, continuing to assist his father and teaching district schools in the winter. In 1840 he entered Dartmouth College, and graduated, in 1844, with a class in which were included an unusual number of men who afterwards attained distinction. During his college course he taught school three winters in Danvers, Massachusetts. His college rank was sufficiently high for him to be chosen into the Phi Beta Kappa Chapter of the college. All his life long he looked back with gratitude to his Dartmouth training, and ever cherished a warm affection for his classmates, which was fully reciprocated by them. His college on its part

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regarded him as a worthy son, and bestowed upon him the honorary degree of Doctor of Laws in 1885; and his fellow alumni twice called upon him to be their spokesman in expressing their admiration for Dartmouth's greatest son, Daniel Webster, — at a dinner in 1882, and at the dedication of his statue in 1886. In May, 1844, a little before his graduation, Mr. Chamberlain was chosen principal of the high school at Brattleborough, Vermont, and there he remained until late in 1846. In an "Address at the Dedication of the Brooks Library Building, at Brattleborough, Vermont, January 25, 1887," he gives a charming account of his life as a teacher, and of the town and its society, which at that time included a notable number of cultivated citizens and summer visitors of distinction, especially drawn thither by the establishment of one of the earliest "Water Cures" in this country. From Brattleborough he entered the Dane Law School at Cambridge, Massachusetts, in the late autumn of 1846. He was soon made the Librarian, and remained there for two years, receiving the degree of Bachelor of Laws in 1848. He himself says that this "situation brought him into official relations to the college, and afforded him social privileges, which otherwise he could not have had." Among the most valued of these he regarded the opportunity of passing some months in the capacity of private tutor in the family of Chancellor Kent at Kent Place, Summit, New Jersey. In January, 1849, he was admitted to the bar in Boston, and opened a law office on Washington Street, which he shared with the late John S. Holmes. Later he removed to No. 35 Court Street, where the late Seth Webb was his office companion, and after Webb the present writer shared the office with him from 1856 to 1867. On June 6, 1849, he was married to Martha Ann, daughter of Colonel Jesse Putnam, of Danvers, Massachusetts, whose acquaintance he had made during his terms of school teaching in that town, in his college course. In a letter to his father, written from the Law School at Cambridge, October 3, 1848, he says: —

"I intended to have entered my profession about this time, but the retirement of the old professors brought on new ones, who knew nothing of the affairs of the school, and they insisted upon my staying this term, which I agreed to do for three hundred dollars extra. . . . On the first of January I shall have seven hundred and thirty dollars

in pocket. If there is any such thing as luck in the world, I have had it. True, I have worked like a dog and lived like a miser. . . . I have arranged to get married, and suppose that my money will carry us to January, 1850, when the purse will be empty. At twenty-eight one may get married, and it becomes a matter of necessity, when one has lived so long alone as I have. But notwithstanding the apparent rashness of this step I have no fear. My life will be insured, so that in case I should be taken away, Martha will not be left destitute, and that's all I care about. But I will not anticipate that. Ten years unassisted toil have given me strength and power to do and to dare. You will gather from what I write that I am in excellent spirits; I am so."

His anticipations were fully realized; his marriage brought him at once into a large and agreeable family circle, and his professional earnings proved sufficient for their modest wants. He soon began to secure a considerable office business, to which was added a fair share of court practice, and he also reported court business for the "Boston Advertiser." But his main occupation was that of a conveyancer. Two or three large farms in Chelsea began to be cut up for building purposes about this time, and the Winnisimmet Land Company concluded to sell all of its extensive holdings. Mr. Chamberlain began a thorough study of the titles to all the real estate in Chelsea, and his knowledge became so extensive that hardly a land title could be passed in that community without consulting him. The results of his investigations were consigned to twelve large folio volumes, which by his last will were bequeathed to the city of Chelsea and have been placed in its Public Library.

Immediately upon their marriage Mr. and Mrs. Chamberlain went to live in Chelsea. After several changes of residence he built a comfortable house, pleasantly situated on Washington Avenue, upon the western slope of Powderhorn Hill, with ample grounds in the rear in which to cultivate fruits and flowers. There he passed the remainder of his life. Mrs. Chamberlain died suddenly, April 25, 1887, leaving no children. Their union was a signally happy one, and from her loss he never recovered. Their home was the centre of much intellectual life, at which for many years gathered weekly a class of young people of both sexes for the study, under his guidance, of English and American literature. In his later

years Mr. Chamberlain was in the habit of passing a portion of every summer at Boar's Head, Hampton Beach, where he was accustomed to meet a congenial company of friends, of whom the late Governor and Mrs. Charles H. Bell, of New Hampshire, and our associate member Rev. Dr. Slafter, were among his most intimate companions.

Soon after his establishment in Chelsea Mr. Chamberlain began to be called upon by his fellow citizens for various sorts of public service, as school committee man, selectman, alderman, on the organization of the city, in 1857, and for six years as City Solicitor. In 1858–1859 he was chosen a Representative to the General Court from the Thirteenth Suffolk District, and was made a member of the special committee on the Revision of the Statutes. In 1863–1864 he was elected to the State Senate, and during the latter year was the chairman of the Judiciary Committee. Those who served with him in the legislature were accustomed to speak of his public services as of great value, and to esteem his powers as a debater as of a high order. He was an excellent public speaker, logical and impressive, while his remarkable memory readily supplied him with an abundance of illustrations to enforce and enliven his arguments, and his tall and erect figure, his dignified bearing, and his strong and commanding countenance lent additional energy to his words.

On June 29, 1866, he was appointed by Governor Bullock an Associate Justice of the newly created Municipal Court of the City of Boston. Mr. George B. Chase, in a most sympathetic tribute to his memory before this Society,[1] has given an amusing account of the circumstances of this appointment. From June, 1866, to December, 1870, he served as Associate Justice, and then was appointed by Governor Claflin Chief Justice, which office he continued to hold till August, 1878. His services on the bench thus cover a period of twelve years. Mr. Chase has also quoted the opinion of one of his associates, the late Chief Justice Parmenter, as to his special qualifications for the office, and the method and quality of his work in it.

In the summer of 1875 Judge Chamberlain made a visit of six months to Europe, where his taste for art, scenery, his-

[1] 2 Proceedings, vol. xiv. p. 273.

tory, and literature was amply gratified. His letters home were exceedingly entertaining. Several of them appeared in the Boston newspapers, and attracted more than usual attention. In England and Ireland he took every opportunity to visit the courts, and always received a most polite welcome.

In August, 1878, Judge Chamberlain was called to be the Librarian of the Boston Public Library, succeeding our late associate Justin Winsor. This position he continued to hold until October, 1890, when he resigned on account of failing health, after another twelve years' term of faithful service. The circumstances of this appointment are amusingly told by Mr. Chase in an account of his interview with our late associate Mr. William W. Greenough, for so many years the President of the Board of Trustees of the Library. His first report as Librarian[1] shows how strenuously he took hold of his new duties, and what fresh measures he suggested, most of which have become a part of the permanent administration of the Library. Among these were the appointment of a night watchman to insure protection against fire, and the installation of a self-registering clock to make certain his actual presence; a thorough examination of the Library to discover its most important deficiencies, mainly incomplete sets of periodicals, serials, and continued works, and a permanent arrangement by which these could be gradually secured; and the employment of a bookbinder to take down each volume from the shelves, dust it, and make any needed repairs to the binding; by this measure the annual closing of the Library for cleaning purposes could be dispensed with. But his most important suggestion was for a conference with the Superintendent of Public Schools, our late associate Dr. Samuel Eliot, and a committee of the masters of the schools to devise some system whereby in his own words "the best literature of the Public Library shall find its way into the public schools . . . and become an instrument in the hands of the public teacher of imparting knowledge at the public expense to those whom the city is under legal obligations to educate." He also makes the recommendation that "a course of lectures be established . . . designed to induce the critical and appreciative reading of the best things in literature by those who

[1] Twenty-seventh Annual Report of the Trustees of the Public Library, 1879, p. 17.

might repair to them for instruction, as there always is in every community a considerable number of persons who would gladly avail themselves of such opportunities." It has taken some time to realize, but we all now perceive what substantial fruit this wise and far-seeing suggestion was destined to produce in these later years. In his annual report of the following year[1] he says: —

"In my annual report of last year I suggested to the Trustees the propriety of setting apart some portion of the annual appropriation for books to meet the requisitions of the teachers of the public schools by the purchase of such books as in their judgment might be useful to their pupils, and those to have their local habitation in the several houses under their charge, but always to remain the property of the Public Library. . . . Some difficulties arose with respect to these requests. In the first place there were no more than two or three copies, instead of fifty, of each in the Library, and no funds from which they could properly be purchased; and secondly, the nature of the loans and the time for which they were desired were in contravention of the Library rules."

Eventually the books were purchased from funds supplied from a private source, presented to the Library and accepted by the Trustees, upon the condition that they should be loaned according to the wishes of the donor. After a year's use in one of the schools they were returned in good order to fulfil similar requisitions for other schools. The reading of these books was not a part of the regular school exercises; each pupil was expected to read his copy at home, as he would read any other books taken from the Public Library, but to be examined once a week upon what was thus read. The cost of the experiment for a year was less than fifty dollars. Thus was taken the first step in the important work of supplying "supplementary reading matter" to the schools from the Public Library. Another improvement suggested was to have important new English publications forwarded promptly by mail for the use of the patrons of the Library, instead of waiting to have them sent in the usual slow course of purchases by the foreign agents of the Library. He also introduced a method of covering with linen canvas the heavy, costly volumes, that were subjected to great wear and

[1] Report, 1880, p. 19.

tear in their use, and this style of binding has been substantially adopted for the greater portion of the books newly added to the Library, and of the older volumes as their binding wears out.

Such were some of the new ideas introduced into the management of the institution by the new Librarian. Though it cannot be claimed that he developed remarkable executive ability in this office, he certainly made a satisfactory officer in all of his relations with the public; and he won the respect and affection of all its employees, from the highest to the lowest. The opinion of his services held by the Trustees, of whom the writer was one during nearly the whole of his term of office, is manifested by the tenor of the resolutions adopted by them on accepting his resignation: —

"*Whereas*, Hon. Mellen Chamberlain has been constrained by the impaired condition of his health to resign the office of Librarian of the Public Library, and the Trustees have reluctantly accepted his resignation, to take effect on the First day of October next.

Voted, That the Trustees hereby place upon their records the expression of their regret for the loss which the Library must sustain in no longer benefiting by the services of so accomplished and so faithful a scholar as Judge Chamberlain has shown himself to be during his twelve years of service.

Voted, That the special attainments of the Librarian in the study of early American history have proved of essential advantage to the Library in bringing up that department to the high standing that had already been reached in other branches of knowledge.

Voted, That the Trustees hereby convey to Judge Chamberlain the expression of their respect and regard, their regrets that their pleasant intimate relations must cease; their hope that his enforced leisure may result in restored health, and their wish that his life may long be spared to give to the world from his stores of knowledge."

The antiquarian tastes of Judge Chamberlain were developed in his early youth, and were fostered after his removal to Concord, New Hampshire, in 1836, by his intimacy with John Farmer, the archivist of the State of New Hampshire, whom he assisted in some of his historical and genealogical investigations. He began at that time to gather his remarkable collection of autographs, to which he afterwards added such letters, documents, and other manuscript material, portraits, and engravings, as he could obtain by exchange with other

collectors, and by purchase as his income increased. He was an indefatigable searcher of old garrets and all out-of-the-way repositories of letters and other papers, making repeated journeys throughout New England for that purpose, and numbered among his correspondents, with whom he made constant exchanges, all the prominent collectors of this country; among whom were his boyhood friend, Dr. George H. Moore, of the Lenox Library in New York, Dr. Sprague, of Albany, Mr. Taft, of Savannah, and Mr. Gilmore, of Baltimore; from the latter he obtained Southern autographs and documents. Personally, or by order, he attended all the autograph sales in this country, and through dealers' catalogues added to his stores by purchase from England, France, and Germany. Thus his collection gradually grew to be of incalculable value, and it became a matter of great anxiety with him to decide what to do with it. To prevent the possibility of its ultimate dispersal, if left to his heirs, he concluded to provide by his last will that it should become the property of the Boston Public Library. In 1893, seven years before his death, he made an arrangement with the Trustees that it should be deposited in a room to be specially prepared for it in the new Library building and set apart as its permanent home, though he retained his property in it during his lifetime. It will hardly be necessary to attempt to give here an account of its treasures, as the Trustees published, in 1897, "A Brief Description of the Chamberlain Collection of Autographs, now deposited in the Public Library of the City of Boston." This was based in part upon an elaborate article, contributed by the late Rev. Julius H. Ward, to the "Boston Sunday Herald," of April 7, 1895, from memoranda furnished by Judge Chamberlain himself. To this publication the Trustees added, in 1898, a supplement containing "The Texts of the Four Great Documents," reprints of "The Address to the King, 1774," the "Declaration of Independence (1776)," the "Articles of Confederation (1777)," and the "Constitution of the United States (1787)." To these texts are affixed the autographs of the respective signers. These four texts have been removed from the rest of the collection, and with a series of sixty-three framed tablets, made up also of detached autograph signatures, grouped and illustrated by portraits, biographical sketches, and historical notes, are now displayed upon the walls of the

room for Younger Readers. These two pamphlets, however, are intended only to be preliminary to a complete description and analysis of the whole collection, now in course of preparation; they are sufficient, however, to indicate that The Chamberlain Collection of Autographs and Manuscripts will eventually prove one of the richest sources of information available for the students of American History, a worthy monument to the memory of its creator.

A very interesting example of Judge Chamberlain's skill and judicial temperament in the investigation of questions bearing upon the genuineness of autograph signatures can be found in a note, appended to the "Bulletin of the Boston Public Library, No. 79, May, 1889," upon an "Autograph which may be Shakespeare's." In 1880 a copy of North's Plutarch, 1603, had been purchased by the Library, which, though complete and in the original binding, was in bad condition and was consequently sent to the bindery for repairs. There was found to be a fold of parchment, about two inches wide, running the entire length of the hinge of the cover, a strip of paper of the same width and length, together with two or more shorter strips, on one of which at the beginning of the volume were written the words "William Shakespeare, hundred and twenty poundes." The paper bearing the name of Shakespeare is a fold, organically a part of the volume when it was purchased, as appeared by the sewing, but at what time the name was written on it is the important question. The strips of paper at the end of the volume also contained some writing, a couple of Latin quotations which must have been there when the volume was originally bound. All of these writings, including that containing the name of Shakespeare, though not in the same ink, are in the ink and handwriting of the seventeenth century, and probably were concealed from view until the linings of the inside covers became detached. There was also a worm-hole, running through the parchment, the title-page, and three hundred and ten pages of the text. This hole pierced between the words "and" and "twenty," in the Shakespeare writing, and it must have been bored after the writing was made, as otherwise the pen would have caught upon its edges, which plainly did not happen. Judge Chamberlain proceeds to discuss the question whether it is an autograph writing, and whether it

is in the handwriting of Shakespeare, at considerable length and with great acuteness. Quoting the opinion of three experts, collectors of autographs of long experience, he concluded that the writing is an original signature, not a man's name written by another, or an imitation. He insists that the writing bears a strong resemblance to the known genuine signatures of Shakespeare, and discusses the possibility of its being a forgery; deciding against its being such, and laying stress upon his familiarity with the history of historical, literary, and autograph forgeries in England and America. His conclusion is that " the Library autograph presents more reasons in favor of its genuineness and too few objections to warrant an adverse judgment." Eight process plates are appended to the article showing the title-page, with the paper fold at the hinge containing the worm-hole, also the same turned back upon the cover, the hinge at the end of the volume, with the strips of parchment and paper bearing writing, and the same with the strip turned down disclosing writing otherwise concealed; there are also added four pages of facsimiles of Shakespeare's autographs, together with enlargements of the same and also of the Ireland forgeries and of the Library signature.

Judge Chamberlain was elected into the Massachusetts Historical Society January 9, 1873, and immediately began to take a prominent part in its proceedings. He delighted in his membership, and was most assiduous in his attendance at the meetings. To its published volumes he made numerous valuable and interesting contributions, while in the discussions that arose he was ever ready to draw upon his stores of knowledge with a fulness and accuracy of memory truly remarkable. He served frequently upon the committees, from 1885 to 1888 was a member of the Executive Committee of the Council, and presented the annual report in 1888. The notes contributed by him as one of the editors of Sewall's Letter-Book, 1886–1888, are marked by his usual thoroughness and accuracy. He was also one of the members of the Committee to publish a volume of Belcher Papers, in 1892, and in 1894 was made one of the Publication Committee of the Bowdoin and Temple Papers.

Since his contributions to the successive volumes of our Proceedings form a substantial portion of his published work and are of great variety and of exceptional value, it seems

advisable to give a complete list of them, with the volumes in which they can be found, in order to facilitate ready reference to them. His first paper was a "Sketch of the Life of Rev. Samuel Henly" (Vol. XV. p. 230). Next appeared a study of "The Currency Question in Provincial Times" (Vol. XX. p. 32); and in the same volume (p. 223), a discussion of "The Charges against Samuel Adams."

In the first volume of the second series (p. 211) he gave an account of the remarkable very early "Map of Eastern Massachusetts," discovered by our associate Mr. Henry F. Waters, in the Sloane Collection of the British Museum, and published by the Trustees of the Boston Public Library in the Bulletin for October, 1884, from which it was reproduced in Winsor's "Narrative and Critical History of America" (Vol. III. p. 381). In the same volume of our Proceedings (p. 273) appeared a notable paper on "The Authentication of the Declaration of Independence, July 4, 1776," in which, after a thorough study of the original records and of all the available evidence, he proves that the signing did not take place upon the Fourth of July. He suggests that the Declaration should have been preceded by some such recital as the following: "The foregoing Declaration having been agreed to on July 4th by the delegates of the thirteen united Colonies, and the same having been engrossed, is now subscribed, agreeably to a Resolution passed July 19th, by the Members of Congress present this 2nd day of August, 1776." On page 266 of the same volume he showed that "Samuel Maverick's House" was not built on Noddle's Island, East Boston, some time before 1628, as stated by Edward Johnson in his "Wonder-working Providence," but was erected in 1625, — as he himself states in the valuable manuscript, "A Brief Description of New England, etc.," discovered by Mr. Waters in the British Museum and printed on page 236 of the same volume of our Proceedings, — and was built in "Winnisime," upon land now in the grounds of the United States Marine Hospital in Chelsea.

In Vol. II. 2d ser. p. 122, he told of an interesting episode in the history of "The Old Province House," which had escaped the notice of local antiquaries: its occupation by the Earl of Bellomont, when Governor, for fourteen months, from the latter part of May, 1699. On pages 275–305 of the

same volume he printed a Journal of Captain Henry Dearborn on "Arnold's Expedition to Quebec."

For the next volume (Vol. III. 2d ser. pp. 102–133), he contributed three other "Journals of Captain Henry Dearborn," belonging to the Boston Public Library and covering the period from July 25, 1776, to March 1, 1783. On page 371 he called attention to the new edition of the "Massachusetts Colonial Laws," in the Revision of 1672, published under the editorial supervision of our late associate Mr. William H. Whitmore, and he has no doubt that this will stimulate, and go very far to answer, inquiry on a great many subjects of historical interest. Among matters instanced was the fact that the General Court of Massachusetts had passed laws going far beyond the Acts of Parliament that were supposed to give validity to Writs of Assistance in the Colonies, which were so grievous to our ancestors a hundred years later. So, too, the requirement that revenue cases should be tried in Admiralty, which caused much dissatisfaction when enacted by Parliament, was in substance the Massachusetts law of 1674. Also we find, among other invasions of the King's prerogative, that the Colonists apparently claimed the right to grant and annul patents.

In Vol. IV. 2d ser. p. 48, Judge Chamberlain gave an account of the efforts of Samuel Adams to safeguard "New England Fisheries" in the negotiations for peace with Great Britain, as proved by the original draft of documents in Adams's handwriting in his own possession. On page 82 of the same volume he printed the first eight pages of the "Journal of the Committee of Correspondence" of Massachusetts, with the other Colonies, in 1773, from the original in the possession of the Boston Public Library.

To Vol. V. 2d ser. p. 265, he contributed a paper on "The New Historical School," devoted principally to criticism of the late Professor Alexander Johnston's "History of Connecticut." As a disciple of Edward A. Freeman, Professor Johnston had propounded the theory that Connecticut towns came originally from the forests of Germany to England, and from England to Massachusetts Bay, whence three of them (Watertown, Newton, and Dorchester) migrated to Connecticut as organizations, and there, in 1669, set up a commonwealth as the result of their joint corporate action; that these

towns having created a commonwealth, became a pattern for towns in other commonwealths; and so happily had their system of confederated towns worked, and especially in relation to the commonwealth, that the Connecticut delegation in the Convention of 1787 was able to persuade that body to form the Constitution of the United States on the same basis, — the Senate with its equal and unalterable representation of sovereign States answering to the independent Connecticut towns, and the House of Representatives answering to the Connecticut Council, both being elected by popular vote. To this reasoning Judge Chamberlain replies that the fallacy of this scheme lies in its theory respecting towns: their existence independent of some sovereign power, and in calling the towns the political cell from which the commonwealth was evolved. A town can be the germ of nothing but a greater town, never of a commonwealth. The rights and duties of towns are communal, and for such rights and duties they may provide; but even these powers are delegated, not inherent. The rights and duties of the State primarily concern sovereignty, external relations, and general laws affecting the inhabitants of all the State. He then proceeds to state his own views of the question: that our English ancestors did not bring with them English towns or English churches or British institutions; but as occasion required they builded for themselves, as Englishmen always and everywhere had done and still do. Analogies do not constitute identities, instincts are not institutions; nor does similarity of design or adaptation of institutions indicate heredity, or even relationship. "The genesis of American Commonwealths," according to his view, "is historically clear: (1) They originated with mere adventurers for fishing, hunting, or trading, who, without territorial ownership or by state authority, established themselves on the coast. Among these, though with other views, must be included the Pilgrims, driven out of their course by adverse circumstances, as well as the first settlers of Rhode Island and Connecticut. (2) They originated with those who had purchased lands and obtained charters from the crown. (3) They were founded under Proprietary governments. (4) They were founded as Royal governments." Judge Chamberlain admits that the Connecticut delegation had great influence in the Conven-

tion: first, because Sherman, Johnson, and Ellsworth were very able men, and the only three very able men from any State who worked together; and, secondly, because Connecticut, being neither one of the largest nor one of the smallest States, held a position of great influence as a mediator between the two classes of States.

In the same volume (Vol. V. 2d ser. p. 313) Judge Chamberlain gave an account of the sale of the Aspinwall-Barlow Library in New York, February 3–8, 1890. This sale attracted great attention in Boston, as the City Council had made a special appropriation of $20,000 for the purchase of rare and costly books on American history not to be found in the Public Library. He recounts the history of the Library, so far as it could be discovered, and gives a statement of the valuable purchases made from it, of which a complete list can be found in Bulletin of the Public Library, No. 82, October, 1890, pp. 359–376. The most important acquisitions were a Latin copy of the first work ever printed about the discovery of America — a translation of the First Letter of Columbus to the King and Queen of Spain in 1493. The price paid was $2,900; and though the copy is not unique, it is very rare, as only four other copies are known, — two in the British Museum, one in the Royal Library in Munich, and one in that of Mr. Brayton Ives in New York. It has been claimed for this edition that it is the earliest of all that were published; but this is not Mr. Winsor's opinion, who states that there may be about thirty copies known of the eight editions, and of all these not more than five or six are ever likely to come on the market.[1] The Trustees of the Library immediately published a facsimile of the letter, in the Library Bulletin referred to, with a translation into English by Mr. R. H. Major; but as that translation was made from a different Latin text, of another edition, the present writer, at the request of his colleagues, prepared a new translation, which was printed separately in 1891. Besides the Columbus Letter there was purchased, for the sum of $6,500, "A true copie of the Court Booke of the Governor and Society of Massachusetts Bay in New England." This is the most perfect copy known of the first volume (in manuscript) of the Massachusetts Colony Records, and contains historical matter of great importance nowhere else to be found. The

[1] 2 Proceedings, vol. v. p. 307.

precise date of the copy, though very early, has not been ascertained; but it is certain that some marginal notes are in the handwriting of Governor Richard Bellingham, which adds weight to the suggestion that this was the official copy. Inasmuch as this costly purchase was made solely to prevent so important an historical document relating to our own State from passing into other than Massachusetts hands, it seems to be eminently fitting that the Commonwealth should assume the cost and the ownership, and that its final resting-place should be in the State Library, as a companion to the manuscript volume of Governor Bradford's History.

To Vol. VI. 2d ser. p. 258, of our Proceedings Judge Chamberlain contributed a "Memorial of Daniel Leonard," Chief Justice of Bermuda, to the Lords Commissioners of the Treasury in reference to his salary in that office, and called attention to the singular circumstance that it was nearly fifty years after the publication of the "Massachusettensis" Letters, in reply to those of John Adams, under the signature of "Novanglus," before Adams learned that their author was Leonard, having always attributed them to Jonathan Sewall. On page 400 of the same volume he showed that John Trumbull, in his "McFingal," had alluded to the controversy in a way that points to Leonard as the author, and makes it quite clear that it was not Sewall. Later, on page 401, he gave certain particulars relative to Nathaniel Rogers, a Boston merchant, a graduate of Harvard, in 1762, who contributed the preface to Wood's "New England's Prospect." Rogers wrote from Boston to Thomas Whately, in London, December 12, 1768, one among the "Hutchinson Letters," in which he proposes his own appointment to the place of Secretary of the Colony, when Andrew Oliver, then Secretary, should be advanced to the Lieutenant-Governorship. His death, in 1770, defeated this purpose. On page 433 of the same volume he printed a "Memorial of Captain Charles Cochrane," presumably addressed to Lord George Germaine, setting forth his military career in this country from the arrival of the British army at Boston in 1774. Captain Cochrane was killed at Yorktown, October 17, 1781, the only line officer of the British army who fell during the siege.

To Vol. VII. 2d ser. p. 127, of our Proceedings Judge Chamberlain contributed an article on "Governor Winthrop's

Estate," with a facsimile of an unrecorded deed from him to John Newgate of lands in Rumney Marsh (Chelsea), drawn and witnessed by Thomas Lechford, the lawyer, now in the possession of Charles P. Greenough, Esq. He adds: "Winthrop's allotment is in plain sight of my own house, and in the last thirty years I have often climbed its rounded height, and never, I think, without consciousness that it was once Winthrop's; but not until within a few months have I known that it was in any way associated with so pathetic an incident in the life of one who by great service and high character gained the esteem and love of his contemporaries, and has since taken his place among the founders of states." The "pathetic incident" referred to was the serious impairment of Governor Winthrop's property, owing to the rascality of his bailiff, James Luxford, by which he lost everything but honor. Later in the same volume (p. 214) he took part in the discussion on "The Genesis of the Massachusetts Town," carried on between Mr. Adams, Mr. Goodell, Professor Channing, and himself. In his portion he develops at considerable length arguments employed in his paper upon "The New Historical School"; but devotes especial attention to the "parochial theory," which traces the origin of the New England town to the English parish. In this connection he studies with great care the reasoning of Toulmin Smith, who claims that in England the parish antedates the town, and that its original functions were secular and not ecclesiastical, and shows the impossibility of its application to the origin of New England towns. As to their origin he says that there are at least three theories, — that they were native to the soil, that they were copies of English prototypes as those were of German, or that they were essentially reproductions of the English parish. Judge Chamberlain argues for the first theory, — that the origin and development of the town were due to certain conditions peculiar to themselves. The sporadic settlements in New England were made on territory not capable of instant and effective protection by an acknowledged sovereign, so that the inhabitants were forced to postpone communal affairs to affairs of state, such as war and peace, territorial limits, jurisdiction, and defence. From the first those village communities exercised certain rights and performed certain duties, not unlike those which afterwards appertained to them as incorporated towns. By common consent

they divided some lands among themselves, and held other lands for common use; in both cases assuming corporate ownership, so far at least as to make good title in the allottees. Then followed, later, the erection of these communities into bodies politic, owing their corporate existence to, and exercising all their functions in strict subordination to the paramount power, the State. Finally, as early as 1636, there was promulgated in Massachusetts a setting forth of their rights, powers, and duties with a completeness and precision to which the advanced civilization of two and a half centuries has found little to add. He then goes into a detailed account of all those original scattered settlements by name, arguing that their records from what may be called the historic period, though meagre, throw some light upon the antecedent period. Finally, he enters into an examination of Mr. Adams's paper, which had preceded his own, and shows in what respects they agree and in what they differ.

In Vol. VIII. 2d ser. p. 108, treating of "The Transfer of the Colony Charter," he showed that the King's Charter, dated March 4, 1629, granted to the purchasers from the Plymouth Council, constituted them a body corporate with power to establish two governments, — one for themselves as a corporation in England, and another for the colonists or plantation in Massachusetts Bay, and that this dual government under the Charter has been misunderstood by many writers, including Mr. Doyle in his "History of the Puritan Colonies." On page 123 of the same volume may be found an article by him on "The Talcott Papers," which form Volume IV. of the Collections of the Connecticut Historical Society. These consist of papers, correspondence, and documents (chiefly official) during Joseph Talcott's governorship of the Colony of Connecticut, 1724–1741. The most interesting subject comprised in this volume has to do with the celebrated law-suit of John Winthrop, grandson of Governor John Winthrop, of Connecticut, against his sister Ann, wife of Thomas Lechmere. According to the laws of Connecticut, the landed estate of John Winthrop's father, Wait Winthrop, dying intestate, would be distributed by giving a double portion to the oldest son and the remaining third to his sister. But, dissatisfied with this division, he claimed the whole of the realty, as he would be entitled to do by the laws of England, on the ground that the

Colony law was invalid, being in contravention of the Charter of King Charles II., in 1662, which forbade the making of any law "contrary to the laws of this realm of England." This was not the view taken by Thomas Lechmere and his wife, and in 1724 they began proceedings to recover one-third of the real estate. These proceedings, brought before different courts in Massachusetts, Connecticut, and England, terminated in a decree of the King in Council, February 15, 1728, which declared the Connecticut law void, reversed the judgments of her courts, and gave the whole real estate to John Winthrop. The appalling result of this decree can be easily understood; it affected every person in Connecticut; it reversed the policy of the distribution and the settlement of estates, which had prevailed from the beginning in Connecticut and the other New England colonies; it unsettled the foundations of property, and threatened universal litigation in families. In this alarming exigency the first question was as to the likelihood of the reversal of the decree as matter of law; or if not, whether the King by a supplementary charter would rescind that clause, which forbade their passing any law contrary to the law of England; and if this lay outside of his power or will, then could and would Parliament do so? In the unsettled state of the royal prerogatives Connecticut might well doubt whether to seek relief from the King or from Parliament; and as it turned out, she could apply to neither with safety. Judge Chamberlain gives a most interesting narrative of every step taken in the long course of proceedings by the various counsel of Connecticut before the King in Council and the Board of Commissioners for Trade and Plantations, from 1728 down to July 18, 1745, when, after a case, essentially the same, carried by appeal from Massachusetts to the King in Council, had been decided differently, and the Massachusetts law, although contrary to the English law, had been sustained, the original decree was reversed, the ancient law restored, and the peril to the charter avoided. Incidentally Judge Chamberlain discusses the question of the constitutional relations of the Colonies to the King and to Parliament, in their progress towards independence of both. He shows that the Colonies in their disputes about their boundaries, or conflicting grants within their own limits, based their respective claims on grants from the King as rightful owner of the fee of lands dis-

covered under the English flag; yet, when their exigencies required, they sought the intervention of Parliament against the King, and whenever they deemed it safe, they practically denied the authority of both. So Parliament, though recognizing the King's property in colonial lands, and his jurisdiction over their inhabitants, yet gradually began to invade his prerogatives, and finally transferred them to itself. The British statutes are full of acts regulating colonial domestic trade, manufactures, finance, and internal government, all of which are really prerogative matters. Thus we see that colonial affairs were an important factor in British constitutional progress.

In Vol. IX. 2d ser. p. 105, Judge Chamberlain brought to the attention of our Society the fact that the inhabitants of Chelsea, on December 14, 1781, made a contribution of money "for the distressed inhabitants of South Carolina and Georgia, who are driven from their habitations by the British troops." No mention of this had ever been made by any historian of Massachusetts, known to him, and it seems to have been entirely forgotten.

To Vol. X. 2d ser. p. 463, he contributed some extracts from a lost Diary of Samuel Holten, a member of the Continental Congress, from Massachusetts, 1778–1783; and also a paper, believed to be in the handwriting of William Paca, a signer of the Declaration of Independence, from Maryland, containing the substance of a conversation of Mr. James Wilson, a signer of the Declaration and afterwards Judge of the Supreme Court of the United States, about the serious condition of American affairs in March, 1778. On page 503 of the same volume he printed certain extracts from manuscripts of General William Chamberlin, relating to the Battle of Bennington, and some doggerel verses descriptive of the fight.

To Vol. XI. 2d ser. pp. 286–299, he contributed an interesting review of the principal contents of the Bowdoin and Temple Papers, then just published by our Society. He believes that these writings will enhance the already high reputation of James Bowdoin, and serve to modify somewhat the historic judgment respecting his son-in-law, Sir John Temple, as well as to throw light upon the true history of the American Revolution and upon two conspicuous actors

therein. Incidentally he criticises Bancroft's historical work, as impaired by its manifest partisanship, notwithstanding its great and manifest excellences. Judge Chamberlain wonders why James Bowdoin is never mentioned with "the Otises, the Adamses, the Warrens, and the Hancocks," for he rendered services second to those of no other, and under circumstances which ordinarily disqualify a man for leadership in a revolution. Neither his independent fortune, nor his aristocratic position, nor his personal friendships, nor that conservatism which culture is supposed to engender, swerved him by a hair's breadth, or for a moment deadened his zeal in the patriotic cause till its complete triumph. Judge Chamberlain's opinion of Temple is somewhat qualified; his abilities and his services to the cause of the patriots are beyond question, but his connection with the abstraction and transmission to Boston of "The Hutchinson Letters" implies such a violation of the sacredness of private correspondence that it is doubtful whether he is entitled to share in that charitable consideration which all will readily accord to others of the Boston patriots. The Bowdoin and Temple Papers are of great value in correcting popular errors in regard to the causes of the American Revolution. They prove that the Grenville policy of drawing a revenue from the Colonies, after the excessive expenditure incurred in the subjugation of Canada, was intended to support the expense of the military establishment in the Colonies, and not to be applied to the payment of the debt thus incurred; also that the modification of the charter in Massachusetts, in 1774, was a plan duly considered and determined upon without special reference to any particular exigency, and not a malignant exercise of power provoked by the destruction of the tea in 1773. So, too, the "Molasses Act" of 1773, which caused much discontent in Massachusetts, as seriously affecting one of her great industries, — that of distilling rum from molasses for West India consumption, — was made inoperative by reason of the great inducements it offered to smuggling; and its enforcement was one of the causes of the Revolution. And, finally, the Stamp Act of 1765 was preceded by a careful investigation of the resources of the Colonies, and an endeavor to learn what subjects and what mode of taxation were least objectionable to the Colonists. At the November meeting of this Society, 1897, Judge Chamberlain joined in the tributes

to the memory of Justin Winsor, dwelling especially upon the admirable character of his administration of the Boston Public Library, his method of historical composition, and his unusual qualities as a presiding officer.

The last time Judge Chamberlain took part in our proceedings was at the June meeting, 1900, when he spoke extemporaneously on the social and economical revolution in New England, which began about fifty years ago, and which seemed to him to have produced far greater and more important changes than the political revolution that preceded it. He gave some interesting reminiscences of his own boyhood on the banks of the Merrimac, of the emigration to the Western States, of the decline of the rural districts, and of the effects consequent upon the opening of the first long railroad line.

As a writer upon historical topics Judge Chamberlain first attracted attention by a notable address before the Webster Historical Society, January 18, 1884, after he had passed his sixty-second year, on "John Adams the Statesman of the American Revolution." In the report of the Council of this Society for that year the present writer said of that address that "he has traced the secret springs of that great movement with a depth of philosophical insight superior to any previous treatment of the subject." This estimate of the value of that study has been confirmed by the opinion of numerous students of history. Let me dwell briefly here upon certain considerations that were either specially brought out or were put in a new light in this address. The period of John Adams's life included was the nine years covered by the American Revolution, and the principal object of the paper was to point out how there can justly be claimed for him the foremost place among such statesmen as Samuel Adams, John Jay, Thomas Jefferson, and even Benjamin Franklin. It was because John Adams possessed two of the prime faculties of a great statesman, "the historic imagination, which develops nationality from its germ; and clear intuitions of organic constitutional law." It was especially this sublime intuition of nationality which distinguished him among his contemporaries. When the declaration of the Continental Congress, September, 1774, went forth, the cause of Massachusetts became the cause of all the Colonies; it was nationalized, and this was John Adams's greatest feat in statesmanship. The value of this

politic stroke became apparent in the next session of Congress in May, 1775. He then developed his plan of severing at once every political tie which bound the separate Colonies to Great Britain through their royal governments, and of laying the basis for independence by the erection of State governments in their stead; this eventuated in the Declaration of Independence.

When John Adams entered public life, in 1774, he was probably well qualified to conduct causes and to argue questions of public law before any tribunal sitting in Westminster Hall, and he might have represented with distinction any English constituency in the House of Commons. By his mental constitution as well as by special education he was constructive; before he tore down, he planned reconstruction. Thus he maintained, first in Massachusetts and later in the Continental Congress, that the people of the Colonies were actually living under constitutional governments that had been developed gradually among themselves, and not living under the royal charters; these constitutions he claimed were inviolable. As a consequence acts which under the royal charters would have been rebellion to the British constitution were, on the contrary, a justifiable and patriotic defence of the constitutional liberties of the people. The Colonists claimed all the rights of Englishmen, and while they never disputed the reasonable exercise of its powers by Parliament, they repudiated the assumption that colonial legislation or colonial courts of law could be controlled by the royal prerogative.

Judge Chamberlain does not find the causes of the American Revolution in such acts of provocation as the passage of the Stamp Act, Writs of Assistance, and the attempt to tax the Colonies without representation, as is the generally accepted opinion. These were the occasion rather than the cause of the Revolution. They only hastened a crisis which could not have been averted. The true causes lay in the innate temper of the Colonists, their English love of freedom, their jealousy of commercial interference, and their increasing reliance upon their charters as the real foundations of their governments and of their political rights.

But what attracted most attention in this address was the assertion that "the American Revolution in its most vital and

most potent force was religious rather than political." He claims that the encroachment of the English Church upon the New England ecclesiasticism, and the Puritan apprehension that it would become the State religion, irritated and alarmed the Puritan mind, until the Revolution followed as a consequence. In Virginia it was otherwise; there "it was essentially a question of taxation"; the Colonists there were mainly identified with the English Church, and there could arise no ecclesiastical issue. Subsequently he qualified this statement by adding "it was one cause; no one claims that it was the sole cause." In a note appended to the reprint of the address he says, "Notwithstanding what I say about Ecclesiasticism as *a* cause of the Revolution, some of my critics have substituted *the* for *a*." This seems to me hardly ingenuous, considering the prominence given to this cause throughout the course of his argument. His view seems to be developed from John Adams's opinion, quoted by him in another note to the reprint, that "the apprehension of Episcopacy contributed fifty years ago as much as any cause to arouse the attention of the common people. . . . The objection was not merely to the office of a bishop, but to the authority of Parliament over the Colonies."[1] In still another note Judge Chamberlain adds: "When this address was delivered, in 1884, it was, so far as I had noticed, the earliest historical presentation of ecclesiasticism (associated with political liberty) as one of the causes which brought on the Revolution. I restricted the influence to Massachusetts and Virginia." Naturally he attributed a somewhat overweening importance to the special cause that he believed to have been his own discovery. In the same note he continues, "By some inadvertence at the time when this paper was preparing I failed to consult Foote's 'Annals of King's Chapel.' Had I read this work I should have seen that I had been anticipated in my views, and have acknowledged the industrious research, candor, good judgment, and literary ability which, as I think, have been combined in an equal degree in no historical work by an American since Belknap's 'History of New Hampshire.' Had I done so, it would have saved me vast labor and much thought, which I do not, however, now regret, for I was enabled to form an independent judgment, which happens to

[1] Works, vol. x. p. 185.

accord with that of Mr. Foote." Unquestionably these novel views of Judge Chamberlain attracted much attention and were widely commented upon in private communications and in the public press. They met with almost universal approval at the time, as not only *new* but *true*. There were some who dissented, it is true, but Judge Chamberlain always pleased himself with believing that his views have been generally accepted as true by the writers of later historical monographs. This cannot be said, however, of one of the latest studies of the subject, "The Anglican Episcopate and the American Colonies," by Arthur Lyon Cross.[1]

What is regarded by many as the ablest of Judge Chamberlain's historical writings is the chapter on "The Revolution Impending," contributed in 1888 to Vol. VI. of Winsor's "Narrative and Critical History of America." This was written at about the same time as a paper read before the American Historical Association at its Boston meeting in May, 1887, on "The Constitutional Relations of the American Colonies to the English Government at the Commencement of the American Revolution," and each study supplements the other. These papers show a sure insight into the hidden springs of political activity in the Colonies; while his familiarity with the legislative acts of the mother country, his knowledge of the principles of the common law, and his judicial cast of mind shed a flood of light upon points obscure to or misunderstood by writers who have not enjoyed the advantage of a similar legal training. He was thus able to give a more philosophical treatment of the causes and a wider interpretation of the results of the Revolution than it had previously received. He starts with the assertion that it was no unrelated event, but formed a part of the history of the British race on both continents, standing midway between the Great Rebellion and the Revolution of 1688, on the one hand, and the Reform Bill of 1832 and the Extension of the Suffrage in 1884 on the other. It was not a quarrel between two peoples, but a strife between two parties (the conservatives and the liberals) in both countries, that went on at the same time and with nearly equal step. Its purpose in Great Britain was to regain liberty, and in America to preserve it. It not only liberated the English colonies in America, but wrought

[1] Harvard Historical Studies, vol. ix. 1902.

with other forces in transferring the prerogatives of the crown to Parliament. The American Revolution was one of those great world movements which mark constitutional progress.

The recognition of these historical papers as of permanent value was immediate, and gave him great satisfaction. Especially agreeable to him was the appreciation of his views shown by a French historian, M. Charles Borgeaud, in his "Établissement et Révision des Constitutions en Amérique et en Europe," who quotes at some length from his "Revolution Impending," and adds, "it would be difficult to indicate more clearly the real character of the American Revolution."

In 1890 Messrs. Houghton, Mifflin, & Co. published a selection of the more important of Judge Chamberlain's writings in a volume of 476 pages, 8vo, under the editorial supervision of Mr. Lindsay Swift, of the Boston Public Library. The book had a most cordial reception from scholars and the literary journals, and immediately passed into a second edition. The title was "John Adams the Statesman of the American Revolution, with other Essays and Addresses, Historical and Literary." The contents comprised, besides the titular address, the one before the American Historical Association, and three articles selected from the Proceedings of this Society. There were also added a review of McMaster's "History of the People of the United States," reprinted from "The Andover Review," June, 1886, and one of Palfrey's "History of New England," taken from "The Nation" of July 10, 1890. Besides these there were also included various occasional addresses and a few literary articles from periodicals. The titles of these will be given here in order that the list of his published writings may be complete; they comprise "Remarks on Daniel Webster as an Orator," made at the dinner of the Alumni of Dartmouth College, June 28, 1882, and an address at a later dinner on the occasion of the Dedication of a Statue of Daniel Webster. At the dedication of Wilson Hall, Dartmouth College Library, June 25, 1885, he made the principal address on "The Scope of a College Library." To the "Dartmouth Monthly," October, 1886, he contributed an article on "Landscape in Life and in Poetry"; and at the dedication of the Brooks Library Building at Brattleborough, Vermont, January 25, 1887, he delivered the principal address on "The Old and the New Order in New England Life and